

REMARKS

Claims 1-4, 6-7, and 13-18 are pending in the Application.

The Examiner has rejected Claims 3-4, 6, 7, 13-16, and 18 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter the Applicant regards as his invention. Additionally, the Examiner has rejected Claims 1-4, 6, 7, and 13-18 under 35 U.S.C. §103(a) as obvious over various combinations of Gupta (U.S. Patent Application Publication No. US 2001/0020242), Johnson (U.S. Patent No. 6,505,254), Yanagidate (U.S. Patent No. 6,128,664), and Kirsch (U.S. Patent No. 5,963,915). In this response, claims 1, 3, 6 and 13 are amended in order to further clarify the claimed invention. In view of the Remarks, the Applicant respectfully requests withdrawal of the rejections and allowance of the pending claims.

Pending Claims

In the Office Action claims 1-18 are listed as pending. The Office Action provides:

2. This action is response to communications: application, filed on 08/04/2000; amendment filed 10/30/2007. Claims 1-4, 6-7, 13-18; claims 5, 8-12 are pending; claims 3, 6 are amended; claims 13-18 are added. (Office Action page 2).

However, the Applicant respectfully submits that Claims 5 and 8-12 were previously cancelled in a Response to Office Action filed on December 19, 2006 (as recorded by the image file wrapper on the USPTO Patent Application Information Retrieval (PAIR) system). Additionally, these changes in the claims are recognized in the index of claims dated January 18, 2008, as shown on the image file wrapper on the USPTO PAIR system. Accordingly, only Claims 1-4, 6-7, and 13-18 are pending in this application and remain pending in light of this response.

Rejections under 35 U.S.C. 112, Second Paragraph

In the Office Action, Claims 3-4, 6, 7, 13-16, and 18 were rejected under 35 U.S.C. §112, second paragraph. To support this rejection, the Office Action provides

Claims 13-16, 3-4, 6-7, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter (i.e. ...a geographic location/internal network address mapping table...) which applicant regards as the invention. Examiner does not quite clearly understand if applicant means "geographic location/or internal network address mapping table" or "a geographic location/ and internal network address mapping table." (Office Action, page 3-4).

Applicant's Claims 3 and 6 state:

a geographic location/internal IP address mapping table contained within the private network (Italic emphasis added).

Similarly, Applicant's Claim 13 states:

a geographic location/internal network address mapping table (Italic emphasis added).

Applicant respectfully submits that the phrase "geographic location/internal IP address" as used in Claims 3 and 6, and the phrase "geographic location/internal network address" as used in Claim 13, describe the type of mapping table. In particular, the phrase "geographic location/internal IP address," as used in Claims 3 and 6, and the phrase "geographic location/internal network address," as used in Claim 13, describe the type of data associated within the mapping table. In support of this contention, Applicant points to the specification as filed on August 4, 2000, in which the following is provided:

"The ISP would provide the system 10 with the actual mapping of IP addresses against geography." (Applicant's specification, page 16, line 8-9).

“Once the internal IP address is known, the internal server 99 performs a lookup in a database having mappings between the internal private IP address and the geographic location.” (Applicant’s specification, page 40, lines 19-21).

“The internal server 99 can therefore determine the geographic location of the user 5 based on its IP internal address and geographic location mapping.” (Applicant’s specification, page 41, lines 16-18).

As can be seen above, in referring to the phrase “geographic location/internal IP address” in Claims 3 and 6, and the phrase “geographic location/internal network address” in Claim 13, the Applicant is describing the mapping table that is used to associate an internal IP address or internal network address with a geographic location.

Accordingly, Applicant respectfully submits that claims 3, 6, and 13 are not indefinite and are in a form for allowance. Similarly, as claims 4, 7, 14-16 and 18 each depend directly or indirectly from their respective allowable base claims and do not contain the phrase in question, Applicant submits that these claims are also in a form for allowance.

Rejections Under 35 U.S.C. §103(a)

In the Office Action, Claims 1-4, 6, 7, and 13-18 were rejected under 35 U.S.C. §103(a) as obvious over various combinations of Gupta (U.S. Patent Application Publication No. US 2001/0020242) (“Gupta” hereinafter), Johnson (U.S. Patent No. 6,505,254) (“Johnson” hereinafter), Yanagidate (U.S. Patent No. 6,128,664) (“Yanagidate” hereinafter), and Kirsch (U.S. Patent No. 5,963,915) (“Kirsch” hereinafter).

Applicant submits that, for a *prima facie* case of obviousness, the cited prior art references (when combined) “must teach or suggest all the claim limitations” MPEP § 2143. Thus, if the combination of references does not teach each of the claimed limitations, a finding of obviousness fails. In addition, the Patent Office has the burden under § 103 to establish a *prima facie* case of obviousness, which can be satisfied only by showing some objective teaching in the prior art would lead one to combine the relevant teachings of the references. *See In re Fine*, 837

F.2d 1071, 1074 (Fed. Cir.1988). As such, an Applicant, to overcome an allegation of obviousness, can show that the cited prior art references (when combined) do not teach or suggest all the claim limitations or that there is not an objective teaching in the prior art that would lead one to combine the relevant teachings of the references.

Applicant respectfully submits that the Office Action has not made a *prima facie* case of obviousness at least because none of the references cited, whether considered alone or in combination, teaches or suggests each of the recitations of Applicant's independent Claims 1, 3 and 13.

A. Independent Claim 1

Independent Claim 1 was rejected under 35 U.S.C. §103(a) as obvious over Gupta in view of Johnson. Applicant respectfully submits that neither Gupta nor Johnson, whether considered alone or in combination, teaches or suggests each of the recitations of Applicant's Independent Claim 1. In particular, independent Claim 1, as amended, recites:

the internal server determines the geographic location of the Internet user by selecting the geographic location of the Internet user from one or more determined geographic locations based at least in part on a confidence level associated with respective determined geographic locations.

Applicant respectfully submits that both Gupta and Johnson, whether considered alone or in combination, fail to teach, suggest or make obvious a method of obtaining a geographic location of an Internet user, wherein an internal server "determines the geographic location of the Internet user by selecting the geographic location of the Internet user from one or more determined geographic locations based at least in part on a confidence level associated with respective determined geographic locations," as recited by Applicant's independent Claim 1. As such, Applicant respectfully submits that amended independent Claim 1 is in a form for allowance.

B. Independent Claim 3

Independent Claim 3 was rejected under 35 U.S.C. §103(a) as obvious over Gupta in view of Kirsch. Applicant respectfully submits that neither Gupta nor Kirsch, whether considered alone or in combination, teaches or suggests each of the recitations of Applicant's independent Claim 3. In particular, independent Claim 3, as amended, recites:

determining the geographic location of the Internet user by selecting the geographic location of the Internet user from one or more determined geographic locations based at least in part on a confidence level associated with respective determined geographic locations.

Applicant respectfully submits that both Gupta and Kirsch, whether considered alone or in combination, fail to teach, suggest or make obvious a method for determining a geographic location of an Internet user that includes "determining the geographic location of the Internet user by selecting the geographic location of the Internet user from one or more determined geographic locations based at least in part on a confidence level associated with respective determined geographic locations," as recited in independent Claim 3. As such, Applicant respectfully submits that amended independent Claim 3 is in a form for allowance.

C. Independent Claim 13

Independent Claim 13 was rejected under 35 U.S.C. §103(a) as obvious over Gupta in view of Johnson and Yanagidate. Applicant respectfully submits that neither Gupta, Kirsch, nor Yanagidate, whether considered alone or in combination, teaches or suggests each of the recitations of Applicant's Independent Claim 13. In particular, Independent Claim 13, as amended, recites:

determining a geographic location of the user by selecting the geographic location of the user from one or more determined geographic locations based at least in part on a confidence level associated with respective determined geographic locations.

Applicant submits that Gupta, Kirsch, and Yanagidate, whether considered alone or in combination, fail to teach, suggest or make obvious a method for an external server to obtain a geographic location of a user that includes “determining a geographic location of the user by selecting the geographic location of the user from one or more determined geographic locations based at least in part on a confidence level associated with respective determined geographic locations,” as recited in independent Claim 13. As such, Applicant respectfully submits that amended independent Claim 13 is in a form for allowance.

Support for the amendments to Claims 1, 3 and 13 can be found in the specification of the present application as filed. In particular, statements pertaining to the determination of a geographic location based on the confidence levels associated with a plurality of geographic locations can be found beginning on page 12, line 20 of the Applicant’s specification as filed.

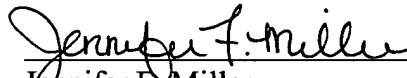
D. Dependent Claims 2, 4, 6, 7, 14-18

Claims 2, 4, 6, 7, 14-18 depend from amended independent Claims 1, 3 or 13, either directly or indirectly. Applicant respectfully submits that these claims are allowable at least because they contain all the limitations of their base claim, which are not taught, suggested or made obvious by the cited references. See *In re Fine*, 5 U.S.P.Q.2d 1569, 1600 (Fed. Cir. 1988) (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”). Applicant submits that claims 1-4, 6-7, and 13-18 as amended, are in a form for allowance.

CONCLUSION

In view of the above, each of the presently pending claims in the Application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass the Application to issue. No additional fees are believed due beyond those that may otherwise be provided for in documents accompanying this paper. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,


Jennifer F. Miller
Registration No. 56,278

Ballard Spahr Andrews & Ingersoll, LLP
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)